

# Family Court Services

Superior Court of California, County of San Diego



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[www.sdcourt.ca.gov](http://www.sdcourt.ca.gov)

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## **FAMILY COURT SERVICES**

Family Court Services is a division of the Superior Court which provides mediation services for families experiencing custody/visitation disputes heard by the Family Court.

Consistent with the spirit of California law, Family Court Services:

- Assists families in the amicable settlement of domestic controversies involving the welfare of children where there is an action or plan for action in the Family Court.
- Assures children of frequent and continuing contact with both parents after the dissolution of a marriage or end of a relationship.
- Encourages parents to cooperate and to share the rights and responsibilities of parenting during and following a dissolution.
- Investigates guardianship cases scheduled for the Probate Judge when the prospective guardian is a relative of the child. The purpose of the investigation is to assure that the needs of the child will be met (Prob. Code § 1513 & Fam. Code § 3110).

### **FAMILY COURT SERVICES PROVIDES:**

- Mediation Services
- Parent Orientation
- Guardianship Investigations

## **MEDIATION SERVICES**

(Child Custody/Visitation Disputes)

When a relationship ends, it is generally painful for all family members, and especially so for the children. This creates the need to reorganize the family. Family Court Services assists parents in redefining their parental roles and responsibilities. Through the mediation process, parties meet together with a mediation counselor who helps them to focus their efforts toward mutually acceptable decisions that are consistent with the **best interests of their children**. Family Court Services supports the **family's right to self-determination** in the reorganization of the family.

## **MANDATORY MEDIATION**

In any dissolution matter or modification of an existing court order regarding child custody/visitation, it is mandatory that the case be set for mediation prior to going to a court hearing. If agreement is reached in mediation, it is reported to the court. If no agreement is reached, a recommendation will be made by the court counselor. If there are no other issues to settle, i.e. support, financial or property issues, then the court hearing may be cancelled (taken off calendar).

## **PARENT ORIENTATION**

Family Court Services provides a free Parent Orientation to provide parties with information about the court process and services of this office.

### **Location and hours:**

Family Court Services  
Family Court Building  
1555 6th Avenue, 2nd Floor  
San Diego, CA 92101

3rd Tuesday of month  
12:00 p.m. – 1:00 p.m.  
(Doors close at 12:10 p.m.)

Family Court  
Family Court Building  
1555 6th Avenue, Lobby  
San Diego, CA 92101

1st Thursday of month  
5:30 p.m. – 6:30 p.m.  
(Doors close at 5:15 p.m.)

## **GUARDIANSHIP INVESTIGATIONS**

If the court is considering granting guardianship to a relative of a child because the parents are deceased or otherwise unable to care for the child, an investigation of the proposed guardian(s) may be conducted. The purpose of this investigation is to determine that the needs and best interests of the children will be met by the proposed guardian(s). The parties may be required to pay a fee for the investigation.

## **DOMESTIC VIOLENCE**

It is important that you notify Family Court Services of domestic violence issues so that appropriate steps can be made to ensure individual safety.

## **NEEDS OF CHILDREN**

Although the marriage or relationship may have ended, **parents are parents forever. Children have a loyalty to each parent**, and being placed "in the middle" of a custody battle puts their loyalty to a test. This is unfair to children and is another reason parents should work toward a cooperative solution rather than court hearings.

Children react to the marital breakup differently, depending upon their ages and personalities. **Children need to express their feelings**, which may include sadness, anger and a sense of loss. It is important to recognize this and to encourage them to express their feelings.

**Children need to maintain continued contact with both parents and to feel reassured that they will continue to have a close and secure relationship with each parent.**

## **BEST INTERESTS OF CHILDREN**

California's population includes a wide diversity of cultures, traditions, lifestyles and family structures. Nevertheless, there are certain basic principles of parenting that promote the best interests of all children. Children benefit when both parents and those acting as parents work cooperatively to apply the parenting principles outlined below. When parents are unable to cooperate, each parent should strive individually toward these values.

- Homes that provide children with love, warmth and affection.
- Parents who assume responsibility, individually and together, for the safety of their children.
- Parents who assume responsibility for financial support of their children.
- Parents who know their children well by giving them time and attention.
- Parents who are sensitive and responsive to the children's needs and feelings, while continuing to set appropriate and firm limits to guide their development.
- Parents who recognize and support the importance of the other parent in the child's life.
- Parents who exchange information regarding the care of their children in a respectful and regular manner.
- Parents who promote consistency in their children's lives.
- Parents who recognize and promote their children's development.
- Parents who are informed of appropriate needs and expectations for different age levels of children and who adapt their parenting practices accordingly.
- Parents who promote the children's confidence that either parent can take care of them.

- Parents who inspire a zest for life in their children, along with the confidence to manage themselves in the world.
- Parents who promote the healthy moral development of their children by teaching appreciation of familial, societal, and cultural values.
- Parents who respectfully listen to and consider each other's point of view.
- Parents who constructively resolve disagreements between themselves that affect their children, and who seek assistance with those problems when needed.

### **HELPING CHILDREN**

The following points are suggested to help children cope with the family transition:

- Explain the divorce to the child at the child's level of understanding, without placing blame.
- Always allow the child to express feelings of hurt, anger, etc.
- Reinforce to the child that the child is not to blame and that both parents will continue to provide love and care for him or her.
- Do not argue with the other parent in the front of the child or within the child's earshot.
- Let the child speak with other children who have experienced divorce.
- Seek professional counseling when appropriate.
- Don't use the child as a spy between the parents' households.
- Encourage the child's contact with the other parent's family, i.e., grandparents, aunts and uncles.
- Encourage shared contact and responsibility.
- Don't say negative things about the other parent to the child and **don't ask the child to be loyal to only one parent.**

## **DEVELOPING A COOPERATIVE PARENTING PLAN**

Finding new ways to resolve disagreements over child custody issues takes time and commitment from both parents.

The following steps may assist you.

- Sit down and identify the needs of your children.
- Think of your role as parents, not as spouses. Try to separate your feelings of anger and hurt so that they don't interfere with parental decisions regarding your child(ren)'s best interests.
- Review successful things you have done together as parents.
- Develop an arrangement that continues this successful plan, making sure it provides continuous, ongoing contact with both parents. Put this plan in writing.
- Think in units of time-work, school, vacation. Try to share responsibilities, such as dental and medical appointments, etc.
- Establish a pattern that works, and follow it. Be flexible as situations change. Don't insist on a "50-50" division.
- Communicate regarding important events in your child's life or in your own life that may affect your children.
- Develop a way to discuss problems between you and the other parent without involving the children. Be sure to share the "high points" and successes that the other parent may not have seen.
- Your child's growth will require that you anticipate and plan for change. Work to adapt your plan to your child's needs.
- Problems are likely to arise when things go "wrong." When this happens, keep your focus on the problem and not who is to blame.
- Bury the past. Deal with today and tomorrow and consider everyone's needs.



## **CUSTODY OPTIONS**

The preamble of the child custody laws of the State of California reads as follows:

"The Legislature finds and declares that it is the public policy of this state to assure that children have frequent and continuing contact with both parents after the parents have separated or dissolved their marriage or ended their relationship, and to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy, except where the contact would not be in the best interest of the child." (Fam. Code § 3020 )

When a parent files a court action involving a child-sharing dispute, both parents must meet with a mediator, before going to court, to develop a child sharing plan. Child sharing plans include legal and physical child sharing:

**Legal Child Sharing (Custody):** Considers the parents' ability to share information with each other and make decisions regarding the child's medical, educational, and general welfare needs.

**Physical Child Sharing (Custody):** Considers actual times the child may spend with each parent. There are no set formulas for arrangements, as circumstances are different for each family.

According to the law, one of the most important considerations is WHICH PARENT IS MORE LIKELY TO ALLOW THE CHILD TO HAVE FREQUENT AND CONTINUOUS CONTACT WITH THE OTHER PARENT.

This statement is very important. State law requires the court to protect children's rights to a continuous relationship with both parents after the marriage has ended. This relationship is considered to be in your children's best interests. Family Court decisions in child custody disputes are predicated on "the best interests of the child."

## **ACCESS TO MEDICAL, DENTAL AND SCHOOL RECORDS**

Whether you have joint or sole custody, both parents are entitled to have access to their children's medical, dental and school records. (Fam. Code § 3025).

## **AFTER MEDIATION**

If the parties reach agreement in mediation, a copy of the agreement is submitted to the judge by the mediator.

If the parties are unable to reach an agreement, the mediator will make a recommendation to the judge. If you disagree with the mediator's recommendation, you have the right in court (through your attorney or acting as your own attorney) to advise the judge of your own position regarding a child sharing plan.

**REMEMBER: THE MOST IMPORTANT THING YOU CAN DO TO PROMOTE YOUR CHILD'S POSITIVE ADJUSTMENT IS TO SUPPORT THE CHILD'S RELATIONSHIP WITH THE OTHER PARENT.**

## **COMMUNITY RESOURCES FOR FURTHER ASSISTANCE**

Child Abuse Hotline..... (858) 560-2191

Community Mental Health

San Diego-24 Hr. Emergency/ ..... 1-800-479-3339

Suicide Prevention

District Attorney

San Diego ..... (619) 531-4040

El Cajon..... (619) 441-4588

Chula Vista..... (619) 691-4695

Juvenile ..... (858) 694-4250

Lawyers Referral and Info. Service..... (619) 231-8585

San Diego County Bar Assn. .... (619) 231-0781

San Diego County Volunteer

Attorneys ..... (619) 235-5656

For additional resources visit the Superior Court's  
website at: [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov).

## RECOMMENDED READINGS

- Ahrons, Constance. *We're Still Family: What Grown Children Have to Say about Their Parent's Divorce*. New York: Harper Paperbacks, 2005.
- Baris, Mitchell A. *Caught in the Middle, Protecting Children of High-Conflict Divorce*. San Francisco, CA: Jossey-Bass Inc., 1997.
- Benedek, M.D., Elissa P. and Catherine F. Brown. *How to Help Your Child Overcome Your Divorce*. Arlington, VA: American Psychiatric Press, 1995.
- Blau, Melinda. *Families Apart: 10 Keys to Successful Co-Parenting*. New York: Perigee Trade, 1995.
- Bonkowski, Ph.D., Sara. *Kids are Non-Divorceable. A Workbook for Divorced Parents and Their Children*. Skokie, IL: ACTA Publications, 1987.
- Clapp, Ph.D., Genevieve. *Divorce & New Beginnings*. New York: John Wiley & Sons, Inc., 2000.
- Colgrove, Melba, Harold H. Bloomfield, and Peter McWilliams. *How to Survive the Loss of a Love*. Helper, UT: Prelude Press, 1993.
- Gordon, Sol. *When Living Hurts*. New York: Urj Press, 2004.
- Johnston, Ph.D., Janet R., and Linda E.G. Campbell. *Impasses of Divorce*. New York: Simon & Schuster, 1999.
- Johnston, Ph.D., Janet R., Carla Garrity, Mitchell Baris, and Karen Breunig. *Through the Eyes of Children*. New York: The Free Press, 1997.
- Johnston, Ph.D., Janet R., and Vivienne Roseby, Ph.D. *In the Name of the Child*. New York: The Free Press, 1997.
- Lansky, Vicki. *Divorce Book for Parents*. 3rd ed. Minnetonka, MN: Book Peddlers, 2003.
- Neuman, M. Gary. *Helping Your Kids Cope with Divorce the Sandcastles Way*. New York: Random House, 1998.
- Ricci, Ph.D., Isolina. *Mom's House; Dad's House. Making Two Homes for Your Child*. New York: Fireside, 1997.
- Thomas, Ph.D., Shirley. *Parents are Forever: A Step-by-Step Guide to Becoming Successful Co-Parents After Divorce*. Longmont, CO: Springboard Publications, 2004.
- Thayer, Ph.D., Elizabeth and Jeffery Zimmerman, Ph.D. *The Co-Parenting Survival Guide: Letting Go of Conflict After a Difficult Divorce*. Oakland, CA: New Harbinger Publications, 2001.

- Trafford, Abigail. *Crazy Time: Surviving a Divorce and Building a New Life*. 1st ed. New York: HarperCollins Publishers, 1992.
- Wallerstein, Judith S. and Joan Berlin Kelly. *Surviving the Break-Up*. New York: Basic Books, Inc., 1996.
- Wallerstein, Judith S. and Sandra Blakeslee. *Second Chances: Men, Women and Children, A Decade After Divorce*. New York: Houghton Mifflin, 2004.
- Warshak, Richard A. *Divorce Poison: Protecting the Parent-Child Bond from a Vindictive Ex*. New York: Harper Paperbacks, 2003.
- Wolf, Anthony E. *Why did you have to get a Divorce?* New York: Noonday Press, 1998.

### **FOR CHILDREN:**

- Brown, Laurene & Marc. *Dinosaurs Divorce*. Boston: Little, Brown Young Reader, 1988. (Ages 4-8)
- Berry, Joy Wilt. *Good Answers to Tough Questions About Divorce*. Arizona: Gold Star Publications, 2001. (Ages 4-8)
- Berry, Joy Wilt. *Stepfamilies: Good Answers to Tough Questions*. Arizona: Gold Star Publications, 2001. (Ages 4-8)
- Bienenfeld, Florence. *My Mom and Dad are Getting a Divorce*. First Books Library, 2002. (Ages 9-12)
- Block, Ph.D., Joel and Susan Bartel. *Step-Living for Teens*. New York: Price Stern Sloan, 2001. (For Teens)
- Cleary, Beverly and Paul O. Zelensky. *Dear Mr. Henshaw*. New York: Harper Trophy, 2000. (Ages 9-12)
- Lansky, Vicki. *It's Not Your Fault Koko Bear*. Minnetonka, MN: Book Peddlers, 1997. (Ages 4-8)
- Ricci, Ph.D., Isolina. *Mom's House, Dad's House for Kids*. Fireside, 2006. (For Pre-Teens/Teenagers)
- Stern, Ellen Sue. *Divorce is Not the End of the World*. Berkeley, CA: Tricycle Press, 1997. (For School Aged Children)
- Thomas, Ph.D., Shirely. *Divorced, but Still My Parents*. Springboard Publications, 1997. (Ages 9-12)
- Winchester, Kent and Robert Beyer. *What in the World Do You Do When Your Parents Divorce?* Minneapolis, MN: Free Spirit Publishing, 2001. (Ages 9-12)